

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Rosita Page-Cunningham, :  
 :  
 Plaintiff, :  
 :  
 v. : Case No. 2:13-cv-559  
 :  
 : JUDGE ALGENON L. MARBLEY  
 Selina Miller, et al., : Magistrate Judge Kemp  
 :  
 Defendants. :

## REPORT AND RECOMMENDATION

A complaint was filed in the name of Rosita Page-Cunningham against Selina Miller, Keith Troy, John Flowers, Trevitt Mitchell, and Eugene Reese. (Doc. #1). The \$400.00 filing fee was not paid, nor did plaintiff file an application for leave to proceed in forma pauperis. A hearing to determine whether the case should be allowed to proceed was scheduled for July 2, 2013, at 1:30 p.m. (Doc. #3). Notice of the hearing was provided by regular mail to the individual named as plaintiff at the address provided in the complaint. That notice was returned to the Court as undeliverable and unable to be forwarded. (Docs. #4 and #5). No appearance was made by Rosita Page-Cunningham at the hearing on July 2, 2013.

The filing fee has not been paid, there has been no request for leave to proceed in forma pauperis, and it does not appear that the claims asserted in this action will be pursued. Consequently, the Court will recommend that this action be dismissed.

For the reasons stated above, it is recommended that this action be dismissed.

## PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that

party may, within fourteen days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

/s/ Terence P. Kemp  
United States Magistrate Judge